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Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, the specification has been amended. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 9, lines 1-2), figures, and claims and thus, no new matter has been added. Claims 1-3, 5, 10-21, and 23-24 are pending.

Claim Rejections - 35 U.S.C. § 101

Claims 19 and 20 were rejected under 35 U.S.C. § 101 because the claimed invention was allegedly directed to non-statutory subject matter. These rejections are respectfully, but most strenuously, traversed.

The amendments to the specification presented herewith clarify the subject matter within the scope of the originally filed specification. Support for the amendment is found in the originally filed specification (page 9, lines 1-2). The examples listed (i.e., telephone network, local area network, internet, wireless network) are examples of networks, not of modulated carrier signals.

Withdrawal of the § 101 rejection is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5, 11, and 14-21 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reichelt et al. (U.S. Patent No. 6,295,447; "Reichelt") in view of Sandler et al (U.S. Patent No. 5,983,117; "Sandler") and further in view of Pearson (U.S. Patent App. Pub.

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No. 2005/0100152). Claims 10, 12, and 13 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Reichelt in view of Sandler and Pearson, and further in view of well known prior art. Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reichelt in view of Sandler and Pearson and further in view of Smith (U.S. Patent No. 6,885,742). These rejections are respectfully, but most strenuously, traversed.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied references is proper, do not teach or suggest the mobile switching center that employs the DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of the incoming call is the non-preferred user or the preferred user, as recited in applicants' independent claim 1.

For explanatory purposes, applicants discuss herein one or more differences between the claimed invention and the Office Action's citations to Reichelt, Sandler, Pearson, and Smith. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to Reichelt, Sandler, Pearson, or Smith correspond to the claimed invention.

As described in the response mailed October 2, 2007, Reichelt and Pearson fail to disclose the mobile switching center that employs the DTMF digit pattern received from the calling user during the incoming call. The Office Action acknowledged the arguments presented as persuasive. The Office Action suggests a combination with Sandler.

Sandler discloses that the user dials or enters digits which are detected by the dialing detector (col. 8, lines 9-15). The transceiver sends the digit message to the MSC via signaling

links to request the MSC to generate a corresponding DTMF digit (col. 8, lines 15-19). The speech channel from the user is muted (col. 8, lines 24-27) for the purpose of preventing the *far end DTMF receiver* from receiving two sources of DTMF (i.e., the DTMF generated by the MSC and the DTMF generated by the telephone). Applicant respectfully submits that this example does not correspond to an incoming call, but rather to an outgoing call to the far end DTMF receiver. The MSC does not receive the DTMF digit pattern to make a determination that the calling user is a non-preferred or preferred user, but rather transmits the DTMF digit pattern on behalf of the user to the far end DTMF receiver.

Sandler disclose the dialtone generator that is connected to the subscriber's incoming circuit (col. 8, lines 60-61; col. 11, lines 52-54). Also, Sandler discloses an incoming circuit, not an incoming call. Applicant respectfully submits that the dialtone indicates an outgoing call. Sandler further discloses:

If enough digits have not been collected to unambiguously identify an outgoing circuit or service then the maximum number of allowed dialed digits is checked 646. (col. 9, lines 12-15)

If the digits collected correspond to an outgoing circuit or service, then the directory number of feature activation code is sent to call processing 654 so that the incoming circuit can be connected to the identified outgoing facility or the service (e.g. call forwarding service) can be activated, as set out below. (col. 9, lines 26-31)

The MSC then either activates the feature/service requested (or sends a suitable request to the PSTN if the request is a PSTN feature, rather than a MSC feature) or *originates a call to the dialed directory number* on a trunk, for example 150a, from the pool of trunks 150. (col. 9, lines 50-55, emphasis added)

Since the MSC may originate the call to the dialed directory number, applicant submits that Sandler fails to disclose the mobile switching center that employs the DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of the incoming call is the non-preferred user or the preferred user.

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Smith discloses routing a call to a voicemail system (col. 4, lines 36-67). The Office Action states:

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Smith, by having the MSC route a call to a voicemail.

However, the Office Action fails to identify any teaching, suggestion, or motivation within the references for such a combination. Accordingly, the § 103 combination of Smith is improper. Assuming, *arguendo*, that the §103 combination is proper, Smith fails to make any mention of receiving DTMF digit patterns, a call waiting feature, call waiting feature group, or call waiting indication. Smith fails to disclose the mobile switching center that employs the DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of the incoming call is the non-preferred user or the preferred user.

The Office Action's citations to Reichelt, Sandler, Pearson, and Smith all fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Reichelt, Sandler, Pearson, or Smith of the mobile switching center that employs the DTMF digit pattern received from the calling user during the incoming call to make the determination that the calling user of the incoming call is the non-preferred user or the preferred user, as recited in applicants' independent claim 1.

For all the reasons presented above with reference to claim 1, claims 1, 14, and 19 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for the same reasons as independent claims 1, 14, and 19, as well as for their own additional characterizations.

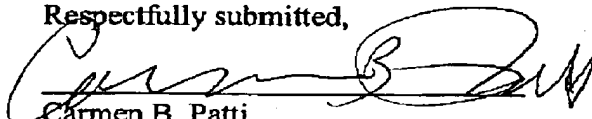
Withdrawal of the § 103 rejections is therefore respectfully requested.

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In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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